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Witness Describes 'Prowler'

First testimony in the hearing conducted by Common Pleas Judge Edward Blythin on an appeal for bail for Dr. Samuel R. Sheppard, charged with the July 4 murder of his wife, Marilyn, centered around reports of a mysterious intruder near the murder scene.

Prosecutors made no effort to refute the contention of early witnesses that a stranger was seen in the vicinity of the Sheppard home at 28924 W. Lake Rd., Bay Village, at the approximate time of the murder.

Dr. Stephen Sheppard, first witness, who was questioned by Attorney William J. Corrigan, defense counsel, testified that he arrived at his brother's home at 6:15 on the morning of the murder and had turned over to Coroner Samuel R. Gerber Dr. Sam's bloodstained clothing and wallet.

Dr. Stephen also testified that he took Dr. Sam to Bay View
Continued on Page 4, Column 1

Witness Tells of 'Prowler' Lurking at Sheppard Home

Continued From Page 1

Hospital for treatment of injuries he said were inflicted by the prowler who killed Marilyn Sheppard.

Assistant County Prosecutor John Mahon objected to Dr. Steve's testimony on the grounds that it repeated what he had testified last Saturday. Corrigan said in view of Prosecutor Cullitan's charges in a story in the Plain Dealer he thought it was necessary to repeat it. Judge Blythin observed "we are not trying this issue on what has appeared in the newspapers."

Bert R. Winston, former County Grand Jury foreman, was next called by Fred W. Garmone, another defense counsel, but he failed to respond.

A truck driver, Leo Spawicki, 48, of 4511 E. 49th St., Cuyahoga Heights was then questioned by Garmone. He said he was married, had three children and worked for the American Steel & Wire Co. for 26 years.

His testimony follows:

Q. Were you driving an automobile on the evening or rather the early morning of July 4?

A. Yes.

Q. Were there other passengers with you?

A. Yes, my two brothers were with me.

Q. Where were you coming from?

A. We were coming home from Port Clinton and were riding on Lake Shore. That goes through Bay Village.

Q. As you approached the village of Bay did you see someone on the road?

A. Yes, about 2:15 a. m. or 2:30 a. m.

Q.—As a result of what you saw, did you later do something?

A.—No, I went straight home.

Q.—Did you talk to someone a week later?

A.—Yes, the chief of police of Bay Village.

Q.—What prompted you to do this?

A.—When I read in the newspapers about the murder and saw that they were accusing the doctor.

Q.—Did the chief of police say anything to you?

A.—Yes, he said I could have been mistaken.

Q.—Up to the time you reported seeing the man to the police, did you know who lived in the house?

A.—No.

A.—No, I couldn't see that far. My lights didn't cover it.

Q.—Did you see any lights in the house?

A.—No, the house was dark when I went by.

Q.—But you did see a man standing there alongside of a maple tree while you were traveling 35 miles an hour.

A.—Yes, Sir.

Judge Blythin, at the conclusion of the cross-examination, asked:

Q.—When did you first read about this murder?

A.—Three or four days after it happened.

Q.—Were you in town?

A.—Yes, but I do a lot of fishing and I didn't pay much attention.

Q.—How did you come to go to the police?

A.—I read the newspapers Friday and Saturday and saw where they described a man.

Q.—Why didn't you go to the police right away?

A.—I wasn't paying much attention. Everybody was saying he did the murder and then I talked to my wife. Maybe he did it and maybe he didn't but there was a man standing near the road and I thought I had better tell the police about it.

The next witness was Patrolman Fred Drenhan of Bay Village. He was questioned by William J. Corrigan:

Q.—On the morning of July 4 were you called to the home of Dr. Sam Sheppard?

A.—Yes.

Q.—Did you know Dr. Sam and his wife, Marilyn?

A.—Yes.

Q.—Did you notify any other officer when you reached the scene?

A.—Yes. Chief Eaton and Sgt. Huback.

Q.—When you arrived who was there?

A.—Mayor J. Spencer Houk, Mrs. Houk and Dr. Sam.

Q.—Where was Dr. Sam?

A.—He was in the study lying on a chair.

Q.—Was he injured?

A.—He claimed he was and I saw a swelling on his head.

Q.—Did Dr. Richard Sheppard arrive after you?

A.—Yes.

Q.—Where was Dr. Sam when Richard arrived.

A.—He was in the study, half-sitting and half-lying.

Q.—What did Richard do?

A.—He went to the study and I directed him upstairs. I went with him. Mrs. Houk and two

A.—No.

Q.—Had you asked him anything about the murder?

A.—On the morning of July 4 I asked him what happened. He said he was awakened by his wife's screams. He told about going upstairs and fighting with someone on the landing and then waking up in the water.

Q.—You saw Mrs. Sheppard lying in bed, covered with blood and badly beaten?

A.—Yes.

Q. And from the time you saw him lounging in a chair until the next Thursday when you were called in by the Sheppards you didn't talk to Dr. Sam about this murder?

A. No. I didn't.

Under re-direct examination:

Q. Did you take pictures all over the house on the morning of the murder?

A. I took pictures in the study, in the living room and in the room upstairs.

Q. Was there anything in the study out of order to take pictures of?

A. Yes, there were some drawers pulled out.

Q. Was there anything in the hall?

A. Yes, an upturned medical bag.

Q. Did you see anything in living room?

A. Yes, a secretarial-type desk with three drawers out.

Q. What time did you take the pictures?

A. I started before 8 a. m. and then the Cleveland detectives came and it was 9 a. m. before I started again.

Q.—When did the Cleveland detectives direct you in the taking of pictures?

A. No. One of them took their own pictures.

Judge Blythin then asked:

Q. Between Sunday morning and Thursday afternoon, you were asked if you talked to Dr. Sam about this matter and you said 'no.' Did you talk to or see Dr. Sam at all?

A.—On Sunday afternoon, yes, but then not again until Thursday.

Corrigan then questioned:

Q. When were you first assigned exclusively to the murder investigation?

A. I was removed from my regular shift on Wednesday and assigned to work with Sgt. Huback.

Dr. Stephen Sheppard was returned to the stand at this point and asked this question by Corrigan:

Q.—Can you give us a description of the man?

A.—He was about six foot tall. He had hair that was standing up—not flat like mine. It looked like a crew haircut.

Q.—Did you later learn whose home you had pointed out?

A.—Yes. It was the Sheppard's house.

Q.—Did you later see pictures in the paper calling attention to the man you had seen?

A.—I saw some pictures but I didn't read much of the story—just the headlines.

Q.—At a later date—about Aug. 11—did you come to County Jail and go to the fourth floor?

A.—Yes, they arranged a lineup and asked me if I could pick out the man I had seen. I said no—that's not him.

Q.—How many were in the lineup?

A.—About five men.

Q.—Did you see Dr. Sheppard?

A.—Yes, he was the second one from the left.

Q.—He didn't fit the description of the man you saw?

A.—No, he didn't have hair enough to fit the man I saw.

Under cross-examination by John J. Mahon, an assistant county prosecutor:

Q.—Did you see many people?

A.—Seven or eight hitchhikers near Sandusky and then the man in Bay Village.

Q.—How did you know that you had reached Bay Village?

A.—When I went off of the concrete road and onto the asphalt.

Q.—Where on the highway was he?

A.—Three or four hundred feet west of Huntington Park.

Q.—Where was he standing?

A.—He was standing in the driveway, alongside of the tree. Anyone going west would have seen him.

Q.—Were there any lights there?

A.—I couldn't tell.

Q.—Was the man alongside of the tree?

A.—Yes. He was looking at me.

Q.—Did your headlights shine on him?

A.—Yes, they did.

Q.—How fast were you going at the time?

A.—Thirty-five or 40 miles an hour.

Q.—Did you see a house there?

firemen.

Q.—Did you call for more help?

A.—Yes. I called the coroner's office and the Cleveland Police Department. They got there about 8 a. m. There was Dr. Samuel R. Gerber, Detectives Dombrowski, Gareau and Schottke.

Q.—When did you first see him at the hospital?

A.—About 2:30 p. m. when I went into his room and took two pictures of him.

Q.—When Dr. Sheppard was questioned that day who besides yourself was present?

A.—Deputy Sheriffs Carl Rossbach and David Yettra.

Q.—How long were you in the room?

A.—For about 3½ hours.

Q.—Did you question him all about the affair at his home, and did he answer all questions readily?

A.—Yes, he did.

The cross-examination was again conducted by Mahon.

Q.—How long have known Dr. Sam?

A.—Three years.

Q.—Intimately?

A.—I wouldn't say intimately but we have attended parties together.

Q.—At social events and in each other's homes?

A.—No, but at social events in other homes and other places.

Q.—You were at the questioning of Dr. Sam at the hospital at the request of the Sheppards—because they wanted you there?

A.—Yes, that's right.

Q.—Until that day had you questioned Sam about the murder?

Q.—Were you subpoenaed to testify before the County Grand Jury?

A.—No, I was not.

Corrigan then called Miss Jean Disbrow, 16, of 28919 W. Lake Rd., Bay Village, a baby-sitter for the Dr. Sam Sheppards prior to the murder. She is a student at Bay Village High School and lives diagonally across the street from the Sheppard home.

Q.—Were you subpoenaed by the Grand Jury and did you testify?

A.—I was subpoenaed but I was not called to testify.

Q.—Do you know anything about the killing of Mrs. Marilyn Sheppard?

A.—No.

There was no cross-examination of Miss Disbrow and the next witness called was Mrs. Karl Schuele Jr., 28944 W. Lake Rd., Bay Village, immediately west of the Sheppard home. She identified her husband as a merchant.

Q.—Were you subpoenaed by the Grand Jury in this case?

A.—Yes; but I wasn't called to testify.

Q.—Do you know anything about the murder?

A.—No, nothing.

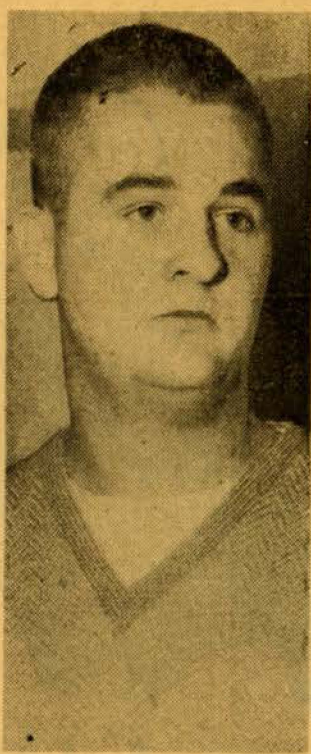
Q.—Were you home on Saturday July 3?

A.—My husband and I arrived home at 10:30 p. m. and went to bed a half hour later. We heard nothing until the next morning.

The next witness was Larry Houk, 16-year-old son of Mayor J. Spencer Houk of Bay Village. The Houks live at 29014 W. Lake Rd.,



LEO SPAWICKI
Saw Prowler



MILES DAVIS
Tells of Attack

in Bay. Corrigan brought laughter from the spectators when he interrupted his questioning to request the youth to remove chewing gum from his mouth.

Q.—Is your father sick at Lakeside Hospital?

A.—Yes, he is.

Q.—You were subpoenaed and testified before the Grand Jury in this case?

A.—Yes.

Q.—Did you know Dr. Sam and his wife before July 4?

A.—Yes. We were good friends.

Q.—Did you play on their beach and yard and at times occupy part of the Sheppard's home?

A.—Yes. We had two rooms over the garage. One with a bed and the other with a table in it for myself and some of the other boys in the neighborhood to use.

Q.—When was the first that you learned something was wrong at the Sheppard home?

A.—When my father came back and called me downstairs. He told me to go over there.

Q.—When you went upstairs did anyone accompany you?

A.—My mother and the two Sheppard brothers and I seem to recall someone else.

Q.—Where did you go?

A.—Into the room at the far end of the hall. That's the East Room.

Q.—What did you see?

A.—A bed unmade and some clothes on the floor. Men's clothes, I think.

Q.—Then where did you go.

A.—Back to the room where Marilyn was.

Q.—What did you do then?

A.—I went outside to the car and sat for about 15 minutes.

Q.—Were you in the house when pictures were taken?

A.—Yes, when some were taken downstairs.

Continued on Page 5, Column 1

Fisherman Recalls Lurking Figure

Continued From Preceding Page

Q.—Did you make a search around the property?

A.—Yes, we did. There were about 15 or 20 others with me. They were my own age.

Q.—Did you find anything?

A.—A green bag near the boathouse on the beach. It was in the weeds and high grass. The rest of the area has high bushes.

Q.—Was there a watch, a key chain and a ring in the bag?

A.—I don't recall but I know it was jewelry.

Q.—Who did you give it to?

A.—To someone I thought was a detective.

Q.—When was the bag found?

A.—I think it was about noon.

Mrs. Nancy Ahern was called next and related under direct examination by Corrigan events leading up to the murder night.

Q.—Were the Sheppards at your home on the night of July 3?

A.—Yes. There young son came before they did.

Q.—Did Dr. Sheppard leave your home during the evening?

A.—Yes. He went to the hospital to read some X-rays. A short time later Mrs. Sheppard left to prepare a meal for which we had arranged earlier.

Q.—Did Dr. Sam return to your home?

A.—Yes, and Sam, my husband, myself and the children left to go to the Sheppard home.

Q.—After you finished the dishes what did you do?

A.—We started the television set. Sam and Marilyn were sitting in a chair facing the set. My husband was in another chair. I sat on his lap for a short time and then drew up a chair beside his. The radio was also turned on low so that we could hear the ball game.

Q.—Did you see Sam move from a sitting position to another position?

A.—Yes. He went over to the couch, laid on his stomach, put a pillow under his head and was looking toward the television set.

Q.—Did you notice anything else?

A.—Yes, he fell asleep.

Q.—Was it usual for him to fall asleep while company was in his home?

A.—It wouldn't be usual in front of company but we were close friends and he has fallen asleep in my house while visiting.

A.—I learned that from the mayor—not from him.

Q.—Did you examine the beach?

A.—As a result of Sam having told of a struggle on the beach (Mahon objected that this was hearsay and Corrigan and the prosecutor got into a verbal battle which ended when Judge Blythin ruled that the witness could only testify as to what he did in the investigation.)

Q.—Do you recall giving any orders to summon help on the investigation?

A.—I told Drenkhan to notify the coroner and Cleveland police.

Q.—Did the Cleveland policemen say: "You don't have to look any farther—there's your guilty man, Dr. Sam Sheppard."

A.—I don't recall the exact words but they said something to that effect.

Q.—What time was that?

A.—In the afternoon.

Q.—You mean they had solved the crime? (Mahon's objection was sustained by the judge).

Q.—Did you accompany Detectives Schottke and Gareau to the hospital one afternoon about 2:30 or 3 p. m.?

A.—Yes, I did.

Q.—Did you enter the room?

A.—Yes. Dr. Sam, Schottke, Gareau and myself were in the room. They talked to him for about 15 minutes.

Q.—In that conversation didn't they accuse him of killing his wife?

A.—They told him that physical evidence pointed to him.

At this point the questioning was recessed for lunch.

Further direct examination of Police Chief John P. Eaton by Attorney Corrigan.

Q.—It was not until this accusation against Dr. Sam Sheppard became general that they received services of a lawyer, was it not?

A.—I believe so.

Q.—You know there were various conversations carried on between Dr. Sam and police during the week following the murder?

A.—Yes sir.

Q.—On Friday, Dr. Sam had gone up to his house and officers had been through the house with him.

A.—I believe so.

Q.—What time did you leave the Sheppard home?

A.—About 12:05 p. m. or whatever time the television program was over.

Q.—Where was Dr. Sam when you departed?

A.—He was asleep.

Q.—Where was Marilyn?

A.—She came to the door with us.

Under cross-examination by Mahon:

Q.—During dinner it was quite chilly on the porch, wasn't it?

A.—Yes.

Q.—Did the men put on any wraps?

A.—Dr. Sheppard put on a brown corduroy jacket. I brought my husband a leather jacket from the kitchen.

Q.—Did they wear them while watching television?

A.—Dr. Sheppard had his on.

Q.—When Dr. Sheppard fell asleep was he still wearing it?

A.—Yes, he was.

Q.—What kind of a shirt did he have on?

A.—A white T-shirt.

Q.—When you left the house was he still wearing the jacket and the T-shirt?

A.—Yes, sir.

Q.—Did you do anything regarding the door which leads from the porch to the living room?

A.—When we came in from the porch after dinner I closed the big door leading from the living room to the porch, turned the lock and put the night latch on. I'm sure because it was quite windy and I wanted to make sure the door was locked.

On re-direct examination by Corrigan:

Q.—There are two doors, one leading from the ground to the porch and the other into the house. Is that right?

A.—Yes.

Q.—Did you latch the outside door?

A.—No, Sir.

Q.—What time did you latch the inner door?

A.—At the conclusion of dinner when everything had been cleared from the table. Som time between 10 and 11 p. m.

Police Chief John P. Eaton of Bay Village was the next witness called. He was questioned by Corrigan and said he has been chief since 1925 and has a seven-man force at present.

Q. On the morning of the murder what time did you learn about it?

A. About 6 a. m.

Q. Are you acquainted with Dr. Sam Sheppard?

A. Casually.

Q.—Did you learn that morning that Sam Sheppard had been in a struggle with someone in his home?

Q.—He (Dr. Sam) came to the police station on Wednesday?

A.—I don't recall.

Q.—Do you recall him coming to the Police Station accompanied by Arthur Petersilge?

A.—Yes.

Q.—Did you take his statement?

A.—I didn't but Sgt. Hubach did.

Q.—You knew he had come to the sheriff's office on Saturday and had remained in consultation through the entire day?

A.—I was told that.

Q.—From July 4 until the 30th of July Dr. Sam was in the city of Bay Village living at his father's home?

A.—I presume so.

Q.—He was arrested on the night of July 30?

A.—Yes.

Q.—He was available for all your officers during that time?

A.—I believe so.

Q.—All of your officers visited him and talked to him about this murder?

A.—Yes. I believe they did.

Under cross examination by Mahon:

Q.—Did you examine the premises and determine whether any forcible entry had been made?

A.—Several times there was no evidence of it.

Q.—Did you consent to the removal of Dr. Sam shortly after your arrival at the Sheppard home?

A.—They didn't ask me. The first I knew about it he was gone.

Q.—Did you talk to Dr. Sam?

A.—I was just a listener. Detectives Schottke and Gareau did the talking for about 15 minutes.

Q.—Did you question Dr. Sam at the home when you first arrived there?

A.—I didn't speak to him at all.

Q.—When you left the hospital with Schottke and Gareau did they say something?

A.—I believe Schottke said that physical evidence uncovered so far led them to believe that Sam might be guilty of the murder.

Q.—Didn't you say you thought he (Dr. Sam) might be lying?

A.—Yes.

Q.—Did you ever have a talk with Dr. Sam regarding the murder of his wife?

A.—No.

Q.—Did he make a statement at the station?

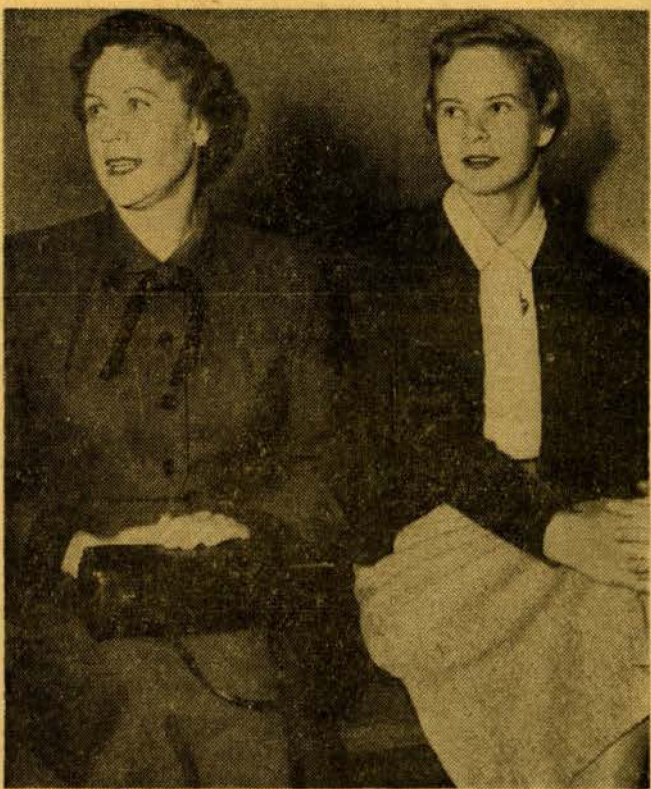
A.—Yes, about a week later.

Q.—Did you ever see it?

A.—Yes, I read it.

Q.—Chief, this was a very serious affair in your city (Corrigan's objection over-ruled).

A.—Yes, it was probably the most important thing that ever happened to us.



Among the witnesses awaiting call at the Dr. Samuel R. Sheppard bail hearing were Mrs. Karl Schuele (left), 28944 Lake Rd., and Miss Jean Disbrow of 28919 Lake Rd., both Bay Village neighbors of the Sheppards.

Q.—And as chief you never questioned him about it?

A.—No. I had men better trained to do it and besides I had other things to do.

Miles Davis, 17, of 375 Kenilworth Rd., Bay Village, was the next witness called. A student at Griswold Institute, he reported this week that he also had been attacked by a mysterious prowler in his home. He was questioned by Garmone:

Q.—On the evening of Sept. 13, 1954, did an unusual experience occur?

A.—Yes. At 10 p. m. I received a telephone call from a neighbor. Returning to the second floor of my home, I heard something drop down below. I went downstairs and kicked the door open. I found a man with something over his head. I grappled with him.

Q.—Were you able to see what he had in his hand?

A.—Yes. A monkey wrench. I managed to get it away from him and turned it over to Bay Village police.

Q.—Can you describe the man?

A.—He was about six foot tall and weighed 180 to 200 pounds.

Q.—Was the wrench turned over to the Cleveland police?

A.—I don't know.

Q.—Were you taken down to look at pictures?

A.—No.

Under cross-examination by Mahon:

Q.—Did you take the wrench from this man?

A.—Yes. He dorpped it while we were grappling.

County Sheriff Joseph M. Sweeney was then called to the stand. He was questioned by Corrigan:

by police in the five days following.

Q.—There were no lawyers present during the questioning of Dr. Sam in the jail hospital. Is that right?

A.—Yes.

Q.—On July 31 was Dr. Sam confined in your jail and was he available for questioning by Cleveland police?

A.—Yes.

Q.—Who questioned him and for how long?

A.—I don't have the records with me. (He was temporarily excused to get the records.)

Mrs. Betty M. Sheppard, wife of Dr. Stephen to whom she has been married for nearly 11 years, was called next. The mother of two children, Mrs. Sheppard lives at 19027 Inglewood Dr., Rocky River.

Q.—Did you go to your brother-in-law's house on July 4?

A.—Yes, with my husband. We arrived at about 6:15 a. m. Dr. Sam was lying face down on the floor in the study. I thought he was dead.

Q.—What was his condition?

A.—He was not able to move very well. He was holding his head and moaning and shaking and his eye was bruised.

Q.—Were you subpoenaed to testify before the Grand Jury?

A.—No. I was not.

When prosecutors failed to cross examine, Mrs. Mary Brown of 1861 Idlewood Ave., East Cleveland, an aunt of the murder victim was called by defense attorneys. She said her husband was an advertising executive.

Q.—How closely were you associated with Marilyn and her husband?

A.—We were very close since they returned from California. We often visited each other.

Q.—Do you think it is possible

. . . .

A.—No, Sir. (Objection)

Q.—. . . for Sam Sheppard to have killed his wife?

A.—(No answer and Mahon's objection was sustained by the court).

When Sheriff Sweeney returned to the stand Corrigan had him relate the exact location of Dr. Sam's confinement, the identities of persons visiting the defendant and those permitted to question him.

Q.—Did police visit Dr. Sam on Saturday, July 31?

A.—Yes, in the hospital on the 11th floor. First Police Chief Frank W. Story, Detective Capt. David E. Kerr and Police Surgeon George Greene, Dr. Spencer Braden. They came in at 9:40 a. m. and left at 10:20 a. m. Other visits were made